

JPA No.: 04-129I
AG Contract No.: KR05-0111TRN
Amendment No. 1
Project No.: HRF-FLA-0-809
Project: Route 66
Section: Arrowhead East Bound
TRACS No.: HF109 01C
Budget Source Item No.: N/A

**AMENDMENT NO. 1
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF FLAGSTAFF

THIS AGREEMENT is entered into this date February 12, 2007, Amendment No. 1 to JPA No. 04-129, A.G. Contract No.: KR05-0111TRN, filed with the Secretary of State under No. 27559, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY, acting by and through its MAYOR and CITY COUNCIL (the "City"). The State and the City are collectively referred to as "Parties".

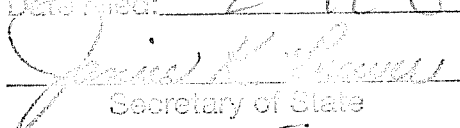
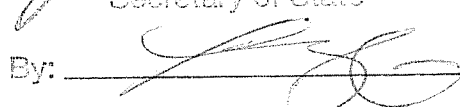
I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 and to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.
2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

Article I, Paragraph 3 is amended in full as follows:

3. The State has approved the exchange of **\$105,274.83** in Highway User Revenue Funds (HURF) in Fiscal Year 2005 to the City for roadway reconstruction on east bound (EB) Route 66 at East of Arrowhead Avenue to include bus pullouts, and such funds will be repaid to the State by withholding from the FLAGSTAFF METROPOLITAN PLANNING ORGANIZATION (FMPO) federal funds and the obligation authority for federal funds in the amount of **\$109,203.73** in Fiscal Year 2005.

THEREFORE, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

NO. 27559
Filed with the Secretary of State
Date Filed: 2-17-07

Secretary of State
By: 

II. SCOPE OF WORK

Article II, Paragraph c, d, and f are amended in full as follows:

1. The City shall:

c. Invoice the State for thirty percent of the **\$105,274.83** project construction cost for Fiscal Year 2005, at the start of construction

d. Invoice the State for thirty percent of the **\$105,274.83** project construction cost for Fiscal Year 2005, at the thirty percent and sixty percent project construction completion stages.

f. Invoice the State for the remaining ten percent of the **\$105,274.83** project construction cost for Fiscal Year 2005 at the one hundred percent project construction completion stage, after the City, FMPO, and the State (ADOT) representatives have completed final project review.

Article II, Paragraph ...

2. The State shall:

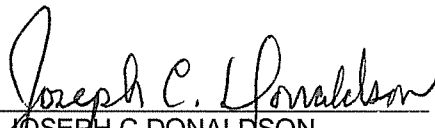
c. After final project review, and within 30 days after receipt and approval of construction invoices for the remaining ten percent of the project construction, advance the City HURF funds in the final ten percent amount of the **\$105,274.83** for the roadway reconstruction

d. Withhold from FMPO, federal funds and the obligation authority of federal funds in an amount of **\$109,203.73** in Fiscal Year 2005 for roadway reconstruction.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amended Agreement the day and year first above written.

CITY OF FLAGSTAFF

By 
JOSEPH C DONALDSON
Mayor

STATE OF ARIZONA

Department of Transportation

By 
DALE BUSKIRK
Division Director

ATTEST:

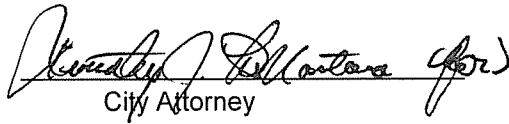
By 
MARGIE BROWN
Clerk

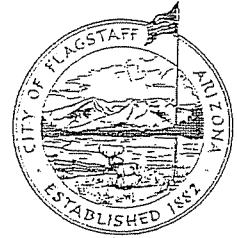
ATTORNEY APPROVAL FORM FOR THE CITY OF FLAGSTAFF

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the City, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 8th day of January, 2007.


City Attorney

**CITY OF FLAGSTAFF
STAFF SUMMARY REPORT**

To: The Honorable Mayor and City Council

From: Trevor Henry, Project Manager, 226-4856
Community Development Department

Date: November 21, 2006

Meeting Date: December 19, 2006

TITLE:

Resolution No. 2006-76: A RESOLUTION APPROVING AMENDMENT NO. 1 TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF FLAGSTAFF AUTHORIZING EXCHANGE OF HIGHWAY USER REVENUE FUNDS FOR THE ROUTE 66 AT EAST ARROWHEAD AVENUE BUS PULLOUT ROADWAY RECONSTRUCTION PROJECT.

RECOMMENDED ACTION:

Adopt Resolution No. 2006-76

ACTION SUMMARY:

Adoption of Resolution No. 2006-76 will amend Resolution 2005-45 which will allow the City of Flagstaff to seek reimbursement of expenditures that are above the set limit as defined in Resolution No. 2005-45.

DISCUSSION:**Background/History:**

- The City and ADOT have participated in many such exchanges.
- ADOT charges an administration fee applied to our federal allocation for the exchange.
- In exchange, the City receives state dollars that are not subject to federal wage, environmental, and relocation/acquisition requirements, which for small projects can be cost prohibitive to administer.
- The original IGA authorized the exchange of \$90,000.00 in state funds for \$93,359.00 in federal funds.
- The construction cost was \$100,852.90 and the design cost was \$4,421.93 for a total of \$105,274.83.
- The IGA amendment authorizes the City to receive \$105,274.83 in state funds for \$109,203.73 on federal funds.

Key Considerations:

- This bus pull-out is currently operational and is being used by the public.
- ADOT, via the IGA amendment, is able to authorize full reimbursement of the project cost.

Community Benefits and Considerations:

- The project has created a safer environment for the motoring public and a more safer and comfortable setting for transit patrons.

Community Involvement:

- The transit agency does an excellent job of monitoring customer satisfaction.

Financial Implications:

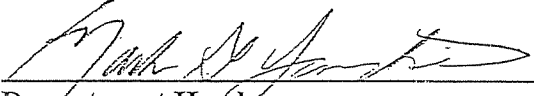
- This amended IGA will allow for the reimbursement to the City of Flagstaff an additional \$15,274.83 in Highway User Revenue Funds for the project, which will alleviate the need for any local funding.

Options and Alternatives:

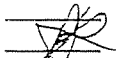
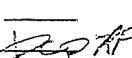
- Approve resolution.
- Do not approve the resolution and forego the opportunity for full reimbursement of the final project costs.

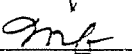


Attachments/Exhibits:

Resolution 2006-____
IGA-Amendment
Resolution 2005-45
IGA



Department Head

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
	BIDS/PURCHASES			FINANCE/BUDGET	
	GRANTS/CONTRACTS			IGAS	
	LEGAL	12/04/06		CH - Proj Mgr C/F	12/1/06

DATE OF COUNCIL APPROVAL: 12-19-06   FOR RAB 12/1/06 


PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this _____ day of _____, 2006.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

 (for)

CITY ATTORNEY

RESOLUTION NO. 2006-76

A RESOLUTION APPROVING AMENDMENT NO. 1 TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF TRANSPORTATION AND THE CITY OF FLAGSTAFF AUTHORIZING EXCHANGE OF HIGHWAY USER REVENUE FUNDS FOR THE ROUTE 66 AT EAST ARROWHEAD AVENUE BUS PULLOUT ROADWAY RECONSTRUCTION PROJECT.


WHEREAS, on June 20, 2005, the Arizona Department of Transportation ("State") and the City of Flagstaff ("City") entered into Intergovernmental Agreement JPA 04-129, AG Contract No: KR05-0111TRN ("IGA") authorizing the expenditure of Highway User Revenue Funds ("HURF") in Fiscal Year 2005 in the amount of \$90,000 for the State Route 66 at East Arrowhead Avenue bus pullout roadway reconstruction project ("Project"), and providing for repayment of the HURF amount by withholding from the Flagstaff Metropolitan Planning Organization ("FMPO") federal funds and the obligation authority for federal funds in the amount of \$93,359 in Fiscal Year 2005; and

WHEREAS, because the City has requested and the State has approved an increased HURF Fiscal Year 2005 expenditure for the Project for a total amount of \$105,274.83 with an increased repayment amount by withholding from the FMPO federal funds and the obligation authority for federal funds in the amount of \$109,203.73 in Fiscal Year 2005, the State and the City desire to amend the IGA in order to provide for the increased availability of funding for the Project and the corresponding increased repayment obligations under the IGA; and

WHEREAS, the City Council has read and considered the staff summary report and proposed Amendment No. 1 to the IGA attached thereto, and finds that it is in the best interests of the City to enter into Amendment No. 1 to the IGA;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That Amendment No. 1 to the Intergovernmental Agreement JPA 04-129, AG Contract No: KR05-0111TRN between the State of Arizona and the City of Flagstaff be hereby accepted and approved, and the Mayor be authorized and directed to execute Amendment No. 1 on behalf of the City of Flagstaff.

<p>TERRY GODDARD Attorney General</p>	<p> OFFICE OF THE ATTORNEY GENERAL STATE OF ARIZONA</p>	<p>CIVIL DIVISION TRANSPORTATION SECTION Writer's Direct Line: 602.542.8855 Facsimile: 602.542.3646 E-mail: Susan Davis@azag.gov</p>
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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR05-0111TRN (**JPA 04-129-I, Amendment No. 1**), an Agreement between public agencies, i.e., The State of Arizona and The City of Flagstaff, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: February 6, 2007

TERRY GODDARD
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:mjf:998764
Attachment